

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

and

SALLY RAMIREZ

No. CIV 08-0501 JB/WPL

Plaintiff in Intervention,

vs.

BOARD OF COUNTY
COMMISSIONERS OF THE COUNTY
OF DOÑA ANA, NEW MEXICO,

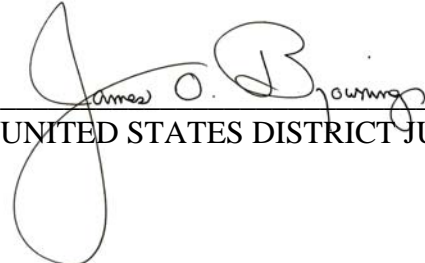
Defendant.

ORDER

THIS MATTER comes before the Court on: (i) the Defendant's Motion and Memorandum of Points and Authorities for Extension of Time in Which to File its Reply to Plaintiff's Response in Opposition to Defendant's Motion to Modify Discovery Order and Motion to Exceed the Page Limitation, filed September 19, 2009 (Doc. 166); (ii) the Plaintiff's Motion for Leave to Exceed Page Limit for the United States' Motion to Hold Defendant in Contempt and for Sanctions and for Exhibits Attached Thereto, filed October 6, 2009 (Doc. 174); and (iii) the Defendant's Second Motion and Memorandum of Points and Authorities for Extension of Time in Which to File its Reply to Plaintiff's Response in Opposition to Defendant's Motion to Modify Discovery Order and Motion to Exceed the Page Limitation, filed October 6, 2009 (Doc. 176). The Court held a hearing on January 4, 2010. The primary issues are: (i) whether the Court should grant Defendant Board of County Commissioners of the County of Doña Ana's request for an extension of time to file a

reply brief regarding one of its discovery motions; and (ii) whether the Court should allow both parties to exceed the page limit in particular filings. At the hearing, counsel for Plaintiff United States of America and Defendant Board of County Commissioners of the County of Doña Ana, New Mexico, represented that neither party opposes any of these three motions. Intervenor-Plaintiff Sally Ramirez did not file a written response, opposing the motion or otherwise, and did not appear at the hearing to raise any opposition. See D.N.M. LR-Civ. 7.4(a) (“Except as otherwise provided . . . a response must be served and filed within fourteen (14) days after service of the motion”); id. 7.1(b) (“The failure of a party to file and serve a response in opposition to a motion within the time prescribed for doing so constitutes consent to grant the motion.”). Accordingly, Ramirez is deemed to have also consented to these motions. For the reasons stated on the record, and for further reasons consistent with those already stated, the Court finds that each motion should be granted.

IT IS ORDERED that Defendant’s Motion and Memorandum of Points and Authorities for Extension of Time in Which to File its Reply to Plaintiff’s Response in Opposition to Defendant’s Motion to Modify Discovery Order and Motion to Exceed the Page Limitation, Plaintiff’s Motion for Leave to Exceed Page Limit for the United States’ Motion to Hold Defendant in Contempt and for Sanctions and for Exhibits Attached Thereto, and Defendant’s Second Motion and Memorandum of Points and Authorities for Extension of Time in Which to File its Reply to Plaintiff’s Response in Opposition to Defendant’s Motion to Modify Discovery Order and Motion to Exceed the Page Limitation are granted.



UNITED STATES DISTRICT JUDGE

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